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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/750,229

**Applicant(s)**

SCHWERIN-WENZEL ET AL.

**Examiner**

BOB CHUMPITAZ

**Art Unit**

4115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

The following is a Non-Final First Office Action in response to the Patent Application filed December 31, 2003. Claims 1-27, as originally filed are presented for examination on the merits.

#### ***Priority***

Applicant claims priority to U.S. Provisional Application 60/455,087, filed on March, 14, 2003. Applicant's claim for benefit of the prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is hereby acknowledged.

#### ***Claim Rejections - 35 USC § 101***

Claims 1, 2, 5, 7, 8, 9, 12, 24, 25, 26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1 recite a process comprising the steps of "providing information" and "providing interface" which could equate to software components. Based on Supreme Court precedent, a proper process must be tied to another statutory class or transform underlying subject matter to a different state or thing (*Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780,787-88 (1876)). Since neither of these requirements is met by the claim, the method is not considered a patent eligible process under 35 U.S.C. 101. To qualify as a statutory process, the claim should positively recite the other statutory class to which it is tied, for example by identifying the apparatus that accomplished the method steps or positively reciting the subject matter that is being transformed, for example by identifying the material that is being changed to a different state.

Claim 2 recites: "comprises an internal expert and an external expert of one of the enterprises, wherein the internal expert comprises at least one of an executive, an employee, a manager, an investor, and an owner of one of the enterprises, wherein the external expert comprises at least one of a consultant, an advisor, a supplier, an analyst, and a specialist". Claim 2 encompasses a human being, therefore the claim invention is directed to non-statutory subject matter. Claim 2 depends from claim 1 and does not cure the deficiencies set forth above. Therefore, claim 2 is also rejected as being directed to non-statutory subject matter.

Claims 5, 7, 8, 9, 12, 24, 25, 26 recite a system comprising "computer module", "software" and "module"; however as presented in the claims it is not directed to any form of structure. This subject matter is not limited to that which falls within a statutory category of invention because it is limited to a process, machine, manufacture, or a composition of matter. The claim recites function descriptive material which is directed to non-statutory subject matter.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 3, 4, 8, 20-22, 24-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Lineberry et al. US 2002/0169649 A1 (hereafter referred as Lineberry).**

**As per claim 3**, Lineberry discloses a system for planning a merger of at least two organizations, the system comprising:

a first interface adapted to **allow** a user to plan a human resource project related to the merger with a resource management capability and a time management capability (§ [0016, 0019, 0042, 0045, 0050, 0055-0078 user interface for acquisition integration....displaying a set of selectable integration events, generating integration project plan incorporating integration events...various user interfaces...interface may include headings for commercial, operational, human resources, legal, and financial...system displays integration area and deliverables checklist user interfaces...integration project management tool]); and

a second interface adapted to deliver a targeted result related to the resource management capability and the time management capability wherein the second interface permits creating, posting, and sharing information related to the merger (§ [0016, 0019, 0032, 0042, 0045, 0050, 0055-0078 user interface for acquisition integration....displaying a set of selectable integration events, generating integration project plan incorporating integration events...various user interfaces...interface may include headings for commercial, operational, human resources, legal, and financial...system displays integration area and deliverables checklist user interfaces...integration project management tool]).

**As per claim 4**, Lineberry discloses claim 3, as rejected above wherein Lineberry further discloses further comprising a user interface adapted for a manager of at least one of the organizations, further comprising tools adapted to **allow** a user to exchange merger information with a person associated with one of the organizations, wherein the person is selected from a class consisting of managers, employees, customers, partners, suppliers, consultants, analysts and

specialists (§ [0012-0013, 0016, 0044, 0046, 0053, 0054, 0061, 0067 computer for generating an acquisition integration project plan, from an electronic interfaces, displays at least one of a name of a person responsible for each integration area and store the user selected....each work station is a personal computer including a web browser that is configured to communicate with server sub-system...graphical depiction of the relationship between integration leader....computer generated screen shots displayed by the system to facilitate acquisition integration...a user is able to construct a customized integration plan, for example an integration manager for an upcoming acquisition integration...target management user interface])

**As per claim 8**, Lineberry discloses a system for implementing a merger of at least two organizations, wherein the system comprises

a software tool presenting a user with at least one of a personalized object, a preferred object, a recently accessed object, and a merger-related object (§ [0003 acquisition integration refers to processes and systems for assimilating a newly acquired asset or company with an existing asset or company]; see also, § [0015, 0042-0043 method and system for acquisition integration....can be used in connection with the acquisition integration of many different types of assets and companies]; see also, § [0045 computer software code...computer program that is executable by the computer systems...a system based acquisition integration tool...system prompts the user via a user display to select an integration area from an acquisition integration main user interface]; see also, Claim 9: a computer program).

**As per claim 20**, Lineberry discloses a system for implementing a merger of first and second organizations, wherein the system comprises:

a first user interface for the first organization, wherein the first user interface comprises human resource information (§ [0016, 0019, 0042, 0045, 0050, 0055-0078 user interface for acquisition integration...displaying a set of selectable integration events, generating integration project plan incorporating integration events...various user interfaces...interface may include headings for commercial, operational, human resources, legal, and financial...system displays integration area and deliverables checklist user interfaces...integration project management tool]);

a second user interface for the second organization (§ [0016, 0019, 0032, 0042, 0045, 0050, 0055-0078 user interface for acquisition integration....displaying a set of selectable integration events, generating integration project plan incorporating integration events...various user interfaces...interface may include headings for commercial, operational, human resources, legal, and financial...system displays integration area and deliverables checklist user interfaces...integration project management tool]); and

a link relating the first and second user interfaces (§ [0051, 0054, 0056 workstations are coupled via internet link or are connected through the intranet...user system via a telephone link...link exists where user can notify administrator]; see also, § [0064 first portion of the user interface are links to acquisition integration framework main user interface]).

**As per claim 21**, Lineberry discloses claim 20 as rejected above wherein Lineberry further teaches wherein at least one of the interfaces present at least one of an organizational information, a financial statement, an organizational historical statement, a background statement, an investor information, and answers to frequently asked questions, wherein at least one of the interfaces further presents at least one of an employee headcount, a headcount

category, a history of headcount transitions, a predicted headcount transition, and a menu of one or more disparate interfaces, wherein the menu comprises one or more interface links for at least one of a management plan, a transition plan, a management initiative, and a risk management overview (§ [0016, 018, 0059, 0076 acquisition integration planning is provided which comprises selecting, from an electronic interface, at least one of the plurality of integration areas....includes a set of integration events and deliverable checklists]; see also, § [0045 acquisition integration main user interface]; see also, § [0050, 0055-0063 user interfaces....acquisition integration main user interface that include headings for commercial, operational, human resources, legal, and financial....under each headings are groupings of pre-defined integration area, which are selectable by user]; see also, § [0072 user interface for showing contact information for an individual]).

**As per claim 22**, Lineberry discloses a system for implementing a merger of at least two organizations, wherein the software product is adapted to present an interface for planning, managing, and assessing human resource information, wherein the human resource information comprises at least one of a hiring date, a benefit scale, and an indicator of employee absenteeism (§ [0002 integrating an acquired company with an acquiring company and more particularly, to methods and systems for assimilating a newly acquired asset or company with another asset or company]; see also, § [0045, 0057, 0059 a person familiar with computer software code can utilize flowchart in combination with various user interfaces to develop a computer program that is executable by computer systems....integration areas include commercial, operational, human resources, legal, and financial]; see also, Claim 9: a computer program).



**As per claim 24**, Lineberry further discloses wherein the system further comprises a module adapted to track a realization of merger objectives, wherein the merger objectives comprise tangible and intangible merger objectives, wherein the intangible merger objectives comprise a product brand recognition for one or more customers and one or more cultural issues of employees of at least one of the organizations (§ [0011 integration includes not only the operations of the companies but also the management structures and corporate cultures]; see also, § [0032 management presentation user interface]; see also, § [0044 methods and system facilitate clear communication and tracking of tasks performed in connection with an integration....flexible to accommodate unique aspects of the acquisition]; see also, § [0058, 0059 examples of integration areas include product, services, risk....human resource integration are heading includes integration areas for communication, culture, and strategy including organization development, labor relations, employee benefits, compensation, employment, practices, and employee services implementation]; see also, § [0067 target management user interface]).

**As per claim 25**, Lineberry further discloses wherein the system further comprises a module adapted to track a cultural effect of organizational changes (§ [0059 A human resources integration area heading includes, in the embodiment shown, pre-defined integration areas for communication, culture, and strategy, including organization development, labor relations, employee benefits, compensation, employment practices, and employee services implementation (payroll benefits, expatriate administration and travel and living expenses)]; see also, § [0076 human resources (HR) strategy, HR labor relations, HR employee benefits, HR compensation,

HR employment practices]; see also, claim 33: integration areas comprise at least one of business leader...integration manager]).

**As per claim 26**, Lineberry further discloses wherein the system further comprises a module adapted to track one or more interfaces between a first group of a first organization and a second group of a second organization, wherein the one or more interfaces comprises input data, output data, and information related to one or more reports (§ [0011 integration includes not only the operations of the companies but also the management structures and corporate cultures]; see also, § [0032 management presentation user interface]; see also, § [0044 methods and system facilitate clear communication and tracking of tasks performed in connection with an integration....flexible to accommodate unique aspects of the acquisition]; see also, § [0051, 0054, 0056 workstations are coupled via internet link or are connected through the intranet...user system via a telephone link...link exists where user can notify administrator]; see also, § [0058, 0059 examples of integration areas include product, services, risk....human resource integration are heading includes integration areas for communication, culture, and strategy including organization development, labor relations, employee benefits, compensation, employment, practices, and employee services implementation]; see also, § [0064 first portion of the user interface are links to acquisition integration framework main user interface]; see also, § [0067 target management user interface]).

**As per claim 27**, Lineberry discloses an article comprising a machine-readable medium storing instructions operable to cause one or more machines to perform operations comprising: planning a merger of at least two organizations; managing the merger of at least two of the organizations; restructuring an organizational structure of at least one of the organizations; and

redeploying one or more personnel in at least one of the organizations (¶ [0016-0019, 0021, 0045, 0055-0059, 0065-0069, 0075-0078 computer readable medium is provided which is executable by a computer for receiving user selection of integration areas, receiving user selection, generating acquisition integration plan....a method for acquisition integration planning is provided which comprises selecting, from an electronic interface....integration progress report user interface shows the processes relevant to integration of the acquisition broken out by phase in the acquisition integration, including pre due diligence, due diligence, post signing/pre closing, post closing and transition to operations phases.. acquisition integration plan includes integration events and deliverables and a main user interface...target management user interface.....integration project management tool]).

**Claim 9 is rejected under 35 U.S.C. 102(e) as being anticipated by Marpe et al. US 2002/0184191 A1 (hereafter referred as Marpe)**

**As per claim 9,** Marpe discloses a computer system for implementing a merger of at least two organizations,

wherein the computer system comprises a first module for budget planning and a second module for headcount quota planning (¶ [0096 Merger and acquisition engine can also be used as a marketing tool...budget and benefit monitoring...manages and delivers reusable knowledge...the merger and acquisition engine streamlines communication between merger participants and assist consolidation of projects]),

wherein the module comprises a graphical user interface (¶ [0039 various functional and user interface features are enabled using software programming]; see also, ¶ [0106 workbench homepage....discussion database interface page]).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lineberry et al. US 2002/0169649 A1 (hereafter referred as Lineberry) in view of Coble et al. US 2002/0035482 A1 (hereafter referred as Coble) .**

**As per claim 1**, a method comprising:

Lineberry does not explicitly disclose providing a single logical physically distributed information system across one or more information systems of at least two enterprises, wherein the enterprises are being combined (**Lineberry**: ¶ [0003 acquisition integration refers to processes and systems for assimilating a newly acquired asset or company with an existing asset or company]; see also, ¶ [0015, 0042-0043 method and system for acquisition integration....can be used in connection with the acquisition integration of many different types of assets and companies]); and

Coble teaches a distribution information system that eases and speeds information exchange between enterprises (¶ [0005 merger of multiple companies...business information systems coupled with the need to preserve all systems]; see also, ¶ [0013 distributed information system comprising two corporations A and B]); see also, Claim 7: distributed data processing system for facilitating information exchange).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the acquisition integration method and system of Lineberry to include a distribution information system as taught by Coble in order to facilitate data transfer between business-to-business information systems.

Lineberry further discloses providing a user interface to access the single logical information system, wherein the single logical physically distributed information system executes one or more merger activities, pre-merger activities, and post-merger activities, wherein the merger activities comprise organizational restructuring and personnel redeployment (§ [0016-0019, 0045, 0055-0059, 0065-0069, 0075-0078 a method for acquisition integration planning is provided which comprises selecting, from an electronic interface....integration progress report user interface shows the processes relevant to integration of the acquisition broken out by phase in the acquisition integration, including pre due diligence, due diligence, post signing/pre closing, post closing and transition to operations phases.. acquisition integration plan includes integration events and deliverables and a main user interface...target management user interface.....integration project management tool]).

**Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lineberry in view of Coble and in further view of Adler (US 2002/0169658 A1).**

**As per claim 2,** Lineberry and Coble disclose claim 1 as rejected above wherein Lineberry and Coble do not explicitly disclose wherein the user interface is adapted to at least one of a role of the user and a phase of the merger, wherein the user role comprises an internal expert and an external expert of one of the enterprises, wherein the internal expert comprises at least one of an executive, an employee, a manager, an investor, and an owner of one of the

enterprises, wherein the external expert comprises at least one of a consultant, an advisor, a supplier, an analyst, and a specialist (**Lineberry**: ¶ [0010, 0012-0016, 0045,0046, 0057, 0067, 0078 communicating and assigning tasks to internal and external resources....method in a computer for generating integration project plan...each integration event being associated with a phase in an acquisition process, receiving at least one user selection....displaying at least one of a name of a person responsible, a commentary for each user selected, and corresponding integration areas as an acquisition integration project plan...provide information regarding status of integration events...electronic interface for selecting at least one of a plurality of integration areas, identifying responsible person for each integration area, and requesting from interface percentage completion for each integration event...integration manager...target management user interface...provide user with knowledge repository based on input from subject area knowledge experts]; **Coble**: ¶ [0014 information integration....data processing for multiple parties or entities]).

Adler teaches a set of modeling and analysis tools to help companies make informed strategic decisions in complex, rapidly changing market environments for business transformation such as mergers and acquisitions (¶ [0031, 0052, 0080, 0084, 0085-0090, 0098, 0101, 0112, 0126 executives may have responsibility for business units while managers manage individual line-employees...analyst access information via graphical user interface....interfaces are bi-directional enabling import of data from external third-party data sources and export data to external users or data management systems).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the user interfaces of Lineberry and Coble to include graphical user

interfaces as taught by Adler in order to provide businesses the capabilities to conduct strategic decision making pertaining to business issues such as mergers and acquisitions and enabling users to focus on different aspects of the integration process.

**Claim 5-7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lineberry in view of Marpe.**

As per claim 5, Lineberry discloses a system for implementing a merger of at least two organizations (§ [0002 system and method to facilitate integrating an acquired company with an acquiring company and more particularly, to methods and systems for assimilating a newly acquired asset or company with another asset or company]),

wherein the system comprises a computer module adapted to allow a user to restructure at least one of the organizations (§ [0016, 0057 electronic interface that allows selection of at least one of a plurality of integration areas... main user interface includes human resources integration area which includes organization development, labor relations, employment practices and employee services implementation]),

wherein the computer module comprises instructions operable to perform at least one of a planning of an organizational movement of a person, an assigning of a person of one of the organizations to collaborate with a user of the system, a matching of organizational resources, and a redeploying of resources of at least one organization (§ [0021, 0045 computer readable

medium is provided which is executable by a computer for receiving user selection of integration areas, receiving user selection, generating acquisition integration plan)),

However, Lineberry does not explicitly disclose a tracking of an organizational movement of a person, a tracking of an employee from various rankings and locations within at least one organization (**Lineberry**: ¶ [0002-0018, 0025, 0030, 0044-0045, 0052, 0077 system and method to facilitate integrating an acquired company with an acquiring company and more particularly, to methods and systems for assimilating a newly acquired asset or company with another asset or company...facilitate clear communication and tracking of tasks performed...functions can be performed at one or many personal computers or work stations...integration includes management structures and corporate culture, comprises a database comprising data corresponding to integration events for at least one integration area and a server configured to prompt a user to select an integration area and to provide information regarding a status of integration events within the integration area...system based acquisition integration framework tool...a computer to display a plurality of integration events...deliverable checklists user interface....main user interface includes human resources integration area which includes organization development, labor relations, employment practices and employee services implementation])),

Marpe teaches a merger and acquisition engine and associated tracking tools used throughout the integration process (¶ [0005, 0017, 0039 system, method and article of manufacture...tracking tools]; see also, ¶ [0096 merger and acquisition engine provides knowledge management and delivery capabilities to facilitate the learning and execution of merger related work]; see also, ¶ [0106, 0168-0172, 0460 merger site map tracks activities and



duration of activities...management tools include a reporting and tracking tool, decision management tool, execution tool...deliverable repository function allows users to create, modify and track all deliverable types available in the workbench for themselves, others and teams within a merger and acquisition]; see also, ¶ [0255-0259 search function; see also, ¶ [0548 developing a human resource approach]; see also, ¶ [0395 match the search criteria...number of matching records]). Examiner interprets tracking people movements to be considered representing the same as tracking merger and acquisition deliverables, components, or activities.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system and method for company integration of Lineberry to include merger and acquisition engine as taught by Marpe in order to provide a system for tracking all associated components and activities and duration throughout the consolidation.

**As per claim 6**, Lineberry and Marpe disclose claim 5 as rejected above wherein Lineberry does not explicitly disclose wherein the tracking of an organizational movement of one or more employees comprises a headcount and a measure of an influence of an organizational change on one or more employees in a time period.

Marpe teaches managing tools that include a reporting and tracking tool which allow the user to access templates, create, store and retrieve documents and generate reports (¶ [0005, 0017, 0039 system, method and article of manufacture...tracking tools]; see also, ¶ [0096 merger and acquisition engine provides knowledge management and delivery capabilities to facilitate the learning and execution of merger related work...improves the ability to manage change resulting from merger and acquisitions]; see also, ¶ [0106, 0168-0172, 0460 merger site map tracks activities and duration of activities...management tools include a reporting and tracking tool,

decision management tool, execution tool...deliverable repository function allows users to create, modify and track all deliverable types available in the workbench for themselves, others and teams within a merger and acquisition)).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system and method for company integration of Lineberry to include tracking tools as taught by Marpe in order to provide the ability to track a progression of activities and duration of activities throughout the consolidation.

**As per claim 7**, Lineberry and Marpe disclose claim 5 as rejected above wherein Lineberry does not explicitly disclose wherein the computer module generates one or more objects to track the movement of a person within at least one organization, wherein the objects comprise reports, charts, and documents.

Marpe teaches managing tools that include a reporting and tracking tool which allow the user to access templates, create, store and retrieve documents and generate reports (¶ [0005, 0017, 0039 system, method and article of manufacture...tracking tools]; see also, ¶ [0096 merger and acquisition engine provides knowledge management and delivery capabilities to facilitate the learning and execution of merger related work...improves the ability to manage change resulting from merger and acquisitions....it streamlines communication between merger participants, and assists in the consolidation of projects...status reporting]; see also, ¶ [0106, 0168-0172, 0460 merger site map tracks activities and duration of activities...management tools include a reporting and tracking tool, decision management tool, execution tool...deliverable repository function allows users to create, modify and track all deliverable types available in the workbench for themselves, others and teams within a merger and acquisition]; see also, ¶ [0255-0259 search

function; see also, ¶ [0548 developing a human resource approach]; see also, ¶ [0395 match the search criteria...number of matching records]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system and method for company integration of Lineberry to include a merger and acquisition engine as taught by Marpe in order to provide the ability to track a progression of activities and duration of activities throughout the consolidation.

**Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marpe in view of Mittal et al US 2003/0125970 A1 (hereafter referred as Mittal).**

**As per claim 10**, Marpe discloses claim 9 as rejected above but does not explicitly disclose wherein the graphical user interface comprises a job description, a number of open positions, a number of filled positions, and at least one of a planning period and a time interval.

Mittal teaches an electronic bulleting board on which job information is posted and available to users (¶ [0008 electronic bulleting board on which jobs are posted; see also, ¶ [0011 job search method and system for posting and searching job openings via a computer network...available job positions]; see also, ¶ [0013 real time online interactive recruitment]; see also, Claim 1: enabling real time interaction between job seeker and recruiter).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the interface of Marpe to include a bulletin board interface as taught by Mittal in order to display merger and acquisition job position information that will help assist the planning and management aspect of the system integration.

**As per claim 11**, Mittal further teaches wherein the graphical user interface allows a user to add, delete, and edit positions.

Mittal teaches a user editing function (§ [0019, 0029, 0039, 0048 actions could be posting of resume, applying for jobs, searching for specific jobs, editing of resume and other such related actions...user interface]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the user interface of Marpe to include editing function as taught by Mittal in order to allow the user a function to edit information in which will update the recruiter information database.

**Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lineberry.**

As per claim 12, Lineberry discloses a system for implementing a merger of at least two organizations (§ [0002 integrating an acquired company with an acquiring company and more particularly, to methods and systems for assimilating a newly acquired asset or company with another asset or company]).

However, Lineberry does not explicitly disclose wherein the system comprises a computer module for headcount analysis, wherein the computer module comprises a user interface adapted to present a chart of employee headcount information for a time period.

Lineberry teaches a user interface that displays information for an individual (§ [0059, 0072 user interface for showing contact information for an individual]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the user interface of Lineberry to display employee headcount information in order to track or monitor individuals during the acquisition integration consolidation.

**Claims 13-19, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lineberry in view of Marpe.**

**As per claim 13**, Lineberry discloses claim 12 as rejected above but does not explicitly disclose wherein the system further comprises a user interface adapted to edit information for one or more personnel of at least one of the merger organizations ( ).

Marpe teaches a user interface wherein edit functions are available (§ [0007 user may be allowed to edit a predetermined set of the fields; see also, § [0234 click edit...user is sent to new pages that contains all the fields seen in the display screen]; see also, § [0336- project planning function used by client personnel....provides screens])

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the user interface of Lineberry to include editable user interface function as taught Marpe in order to modify personnel information associated to at least one user of the at least one merger organization.

**As per claim 14**, Lineberry and Mittal disclose claim 13 as rejected above wherein Lineberry further discloses wherein the user interface further comprises a link to an interface (§ [0045 acquisition integration main user interface]; see also, § [0050, 0055-0063 user interfaces])

Lineberry does not explicitly disclose for at least one of a promotion request, an internal reassignment, a personnel transfer, a special payment request, and a change of personnel groups.

However, Lineberry teaches user interface with available functions for acquisition integration (§ [0057 acquisition integration main user interface that include headings for commercial, operational, human resources, legal, and financial....under each headings are groupings of pre-defined integration area, which are selectable by user]; see also, Fig. 8 and associated text).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the user interface of Lineberry to include other merger and acquisition related functions such as for at least one of a promotion request, an internal reassignment, a personnel transfer, a special payment request, and a change of personnel groups in order to efficiently expedite the consolidation.

**As per claim 15**, Lineberry and Mittal disclose claim 13 as rejected above wherein Lineberry further discloses wherein the computer system further comprises an organizational planning interface, wherein the organizational planning interface comprises information personalized for at least one of the organizations and a greeting message personalized for an organizational planning interface (§ [0016, 018, 0059, 0060, 0076 acquisition integration planning is provided which comprises selecting, from an electronic interface, at least one of the plurality of integration areas....includes a set of integration events and deliverable checklists]; see also, Figs. 4-20 and associated text).

**As per claim 16**, Lineberry further discloses wherein the organizational planning interface is adapted to facilitate a redeployment of one or more employees, wherein the organizational planning interface further comprises a panel and information for at least one of an office overview, a functional overview, a divisional overview, and a status overview of at least one of the organizations (§ [0016, 018, 0059, 0060, 0076 acquisition integration planning is provided which comprises selecting, from an electronic interface, at least one of the plurality of integration areas....includes a set of integration events and deliverable checklists]; see also, Figs. 5-80 and associated text). Lineberrys' user interface as disclosed is capable of performing the same functions presently claimed therefore it would be anticipated by Lineberry.

**As per claim 17**, Lineberry discloses claim 16 as rejected above but does not explicitly disclose wherein the panel presents at least one of a number of positions, a number of assigned positions, and a number of unassigned positions, wherein the panel comprises a graph presenting a status of employee transitions and placements.

However, Lineberry teaches a user interface for acquisition integration with headings representing integration event, area or phase of the acquisition integration process (§ [0061, 0065 user interface provide user with integration events and areas]; see also, § [0065 graphical representation of the stages of the acquisition integration...headings]; see also, Figs. 32, 53-63 and associated text).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the user interface of Lineberry to include headings for employee position and status information in order to improve the processes and systems utilized in connection with acquisition integration therefor enhance the likelihood for successful acquisition.

**As per claim 18**, Lineberry disclose claim 15 as rejected above but does not explicitly disclose wherein the organizational planning interface further comprises information for one or more organizational headcounts pending approval, information for a financial impact, information for employee layoffs, and one or more issues for employee redeployment, wherein the one or more issues for employee redeployment comprises an indicator of a priority level for an issue, a date of creation of the issue, and a name of one or more stakeholders presenting the issue (**Lineberry**: § [0016, 018, 0059, 0060, 0076 acquisition integration planning is provided which comprises selecting, from an electronic interface, at least one of the plurality of integration areas....includes a set of integration events and deliverable checklists]; see also, Figs. 5-80 and

associated text).

Marpe teaches user interface features (¶ [0039, 0094-0104 user interface features...merger and acquisition engine system improves documentation and outcomes, improves the understanding of issues and topics e.g. conversion schedule..etc....gives stakeholders an improved understanding of the most current status of key deliverables]; see also, ¶ [0548 planning guide application divided in distinct screens...formalizing a stakeholder analysis...employee redeployment and retention...identifying stakeholder communication requirements]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the interface of Lineberry to include a merger and acquisition interface as taught by Marpe in order to provide a process and system where the user can access or edit sets of fields where a report may be generated and where a project milestone, an issue, or a project plan is accessible to the user.

**As per claim 19**, Lineberry further discloses wherein the organizational planning interface further comprises at least one of a link presenting an employee redeployment, a link presenting an organizational personnel structure, a link presenting a headcount planner, a link presenting an employee retention tool, and a link presenting an employee compensation tool (¶ [0051, 0054, 0056, 0061 workstations are coupled via internet link or are connected through the intranet...user system via a telephone link...link exists where user can notify administrator...on user interface are selectable links, selection of which provide the user with integration events]; see also, ¶ [0064, 0067, 0068 first portion of the user interface are links to acquisition integration framework main user interface...links to management presentations]).



**As per claim 23**, Lineberry further discloses claim 23 as rejected above but does not explicitly disclose wherein the system permits a user to define one or more parameters for absenteeism, wherein the indicator comprises a graphical calendar emphasizing one or more days of absenteeism, wherein the human resource information further comprises a picture of one or more employees (**Lineberry**: ¶ [0059 A human resources integration area heading includes, in the embodiment shown, pre-defined integration areas for communication, culture, and strategy, including organization development, labor relations, employee benefits, compensation, employment practices, and employee services implementation (payroll benefits, expatriate administration and travel and living expenses)]; see also, ¶ [0076 human resources (HR) strategy, HR labor relations, HR employee benefits, HR compensation, HR employment practices]; see also, claim 33: integration areas comprise at least one of business leader...integration manager]).

Marpe teaches a calendar function that allows user to track and manage the systems processes (¶ [0217 database tables relevant for executive dashboard that include a calendar table]; see also, ¶ [0458 four reference functions, namely deliverable library, contacts, calendar, and organization charts]; see also, ¶ [0506 calendars allow users to create and retrieve project calendars to track meeting schedules]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the user interface of Lineberry to include a graphical calendar as taught by Marpe in order to allow the user to efficiently monitor and manage project processes.

**Please Note:**

Applicant(s) are reminded that optional or conditional elements do not narrow the claims because they can always be omitted. See *e.g.* MPEP §2106 II C: “Language that suggest or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. [Emphasis in original.]”; and *In re Johnston*, 435 F.3d 1381, 77 USPQ2d 1788, 1790 (Fed. Cir. 2006) (“As a matter of linguistic precision, optional elements do not narrow the claim because they can always be omitted.”). “As a matter of linguistic precision, optional elements do not narrow the claim because they can always be omitted.” *In re Johnston*, 435 F.3d 1381, 77 USPQ2d 1788, 1790 (Fed. Cir. 2006)(where the Federal Circuit affirmed the Board’s claim construction of “further including that said wall may be smooth, corrugated, or profiled with increased dimensional proportions as pipe size is increased” since “this additional content did not narrow the scope of the claim because these limitations are stated in the permissive form ‘may.’”). Examiner has bolded and italicized examples of conditional language within the rejected claims, please review all claims for conditional language.

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-27 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-30 of copending U.S. Application No. 10/750406. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-27 in the present application are directed towards a system for implementing a merger via user interfaces where as claims 1-30 of the referenced copending application are directed towards enterprise integration restructuring via user interfaces. It appears to the examiner that these limitations are obvious variations of each other.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BOB CHUMPITAZ whose telephone number is (571)270-5494. The examiner can normally be reached on M-TR: 7:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BRADLEY BAYAT can be reached on (571) 272-6704. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

B. C.  
Examiner, Art Unit 4115

/Bradley B Bayat/

Supervisory Patent Examiner, Art Unit 4115